

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

DIANE COWAN *et al.*,

Plaintiff,

and

UNITED STATES OF AMERICA,

Plaintiff-Intervenor,

v.

BOLIVAR COUNTY BOARD OF
EDUCATION *et al.*,

Defendants.

Civil Action No. 2:65-CV-00031-DMB

**DECLARATION OF DR. CLAIRE SMREKAR ON BEHALF OF
PLAINTIFF-INTERVENOR UNITED STATES OF AMERICA**

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that:

1. My name is Dr. Claire Smrekar. I am currently an Associate Professor of Public Policy and Education at Vanderbilt University.
2. I have been retained by the United States Department of Justice, Civil Rights Division, Educational Opportunities Section as a consultant and expert witness in the above-captioned case since July 3, 2014.
3. I assisted the Department of Justice in developing the United States' Proposed Desegregation Plan for the Cleveland School District (Dkt. #109) ("United States' Proposed Plan"), submitted to the Court on January 23, 2015, and am familiar with that plan and its implementation requirements.

4. I prepared an expert report in this case, dated March 20, 2015, which provides a detailed, informed analysis of the Cleveland School District's ("District") Proposed Plans (Plan A & Plan B) (Dkt. #108) and the United States' Proposed Plan.
5. I provided expert testimony in this case at the evidentiary hearing on the parties' proposed plans held by the Court from May 18, 2015 to May 22, 2015. My expert report is identified in the record as Plaintiff-Intervenor's Exhibit 1.
6. The Department of Justice asked me to prepare this declaration to respond to the Court's request, contained in its October 16, 2015 order, that the United States set forth a revised or updated estimate for the implementation of the United States' Proposed Plan, assuming the Court's adoption of the United States' Proposed Plan as of the date of that order.
7. My professional judgment and informed opinion in this case are based on more than 25 years of professional experience and scholarly research. I have conducted intensive analysis of data (descriptive and quantitative) specifically related to Cleveland, Mississippi and have reviewed the extant research in school desegregation, program implementation, organizational culture/organizational theory, community development and relevant sub-fields. As detailed in my expert report, during my analysis of the District, I considered many factors, including the District's professional and organizational capacity; Cleveland's local economic, educational and cultural assets; local and regional demographics and socioeconomic data; and the specific design principles and platforms of the United States' Proposed Plan.
8. The United States' Proposed Plan would create a consolidated, district-wide middle school using the existing East Side High School facility, and a consolidated, district-wide

high school campus using the existing Cleveland High School and Margaret Green Junior High School facilities. The consolidated schools would open at the beginning of the 2016-2017 school year in August 2016.

9. As highlighted in my expert report, the United States' Proposed Plan provides a consistent and coordinated structure for uniting the middle schools and high schools that fully and finally achieves racial desegregation in the District's middle schools and high schools serving all students in grades 6 through 12, except for those sixth graders attending Bell Academy and Hayes Cooper Center.
10. In preparing this declaration, with respect to student enrollment and educational planning, I reviewed my expert report; 2015-2016 student enrollment data requested by the United States and provided by the District to the United States on October 28, 2015 (attached as Exhibit 2 to this Declaration); and publicly available information about faculty hiring practices in Mississippi.
11. In preparing this declaration, with respect to school capacity, I reviewed the expert report on school facilities prepared by Professor John Poros of Mississippi State University (Plaintiff-Intervenor's Exhibit 27); consulted directly with Professor Poros regarding his analysis on October 29, 2015; and reviewed the report of the District's facilities expert, Mr. Joseph Henderson.
12. For the reasons stated below, it is my opinion that the United States' Proposed Plan can be implemented successfully by the beginning of the 2016-2017 school year and that no significant modifications to the implementation timeline are necessary, assuming the Court's adoption of the United States' Proposed Plan as of the date of the Court's recent order.

13. Section VI of the United States' Proposed Plan contained a proposed implementation timeline, specifying actions the District would take: (a) prior to the 2015-2016 school year; (b) during the 2015-2016 school year; and (c) by the beginning of the 2016-2017 school year. As I describe below, all of the specified actions can be implemented by the beginning of the 2016-2017 school year with modest adjustments to the proposed implementation schedule. Specifically, the proposed actions that the United States' Proposed Plan contemplated would occur prior to or during the 2015-2016 school year included: (a) planning for and adapting the District's existing educational programs and curricula for the newly configured schools; (b) identifying any new programs or curricula that may be introduced at the consolidated middle school or high school; (c) assessing and addressing staffing considerations; (d) engaging all stakeholders, including students, parents, faculty and staff, and community members, in preparing for the introduction of the newly configured schools in August 2016; (e) rebranding and marketing the new schools and their intended programs to the school community; (f) appointing a multiracial advisory panel of parents, community members, and students to advise the District on advise and assist the District on its implementation of the plan, including assisting with public engagement efforts; and (g) reviewing facilities needs and performing any necessary maintenance and upgrades to the school facilities.
14. It is my opinion that the District has sufficient time between now and the beginning of the 2016-2017 school year to undertake items (a)-(g) listed in Paragraph 13 above, including engaging in academic program planning, addressing staffing needs, undertaking public engagement and marketing in support of the new schools, and convening a multiracial advisory panel to advise the District on various aspects of the implementation of the plan.

These “planning year” activities can all reasonably occur between October 2015 and August 2016. In addition, I would recommend that all of these actions continue, as needed, into the 2016-2017 school year and beyond as the school district community transitions to the new school configurations.

15. In Exhibit 1 to this declaration, I provide a suggested timeline for the proposed activities during the “planning year” between now and the beginning of the 2016-2017 school year, as well as certain activities that would continue during the 2016-2017 school year and subsequent years.
16. Based on my review of Professor Poros’s expert report and his testimony at the evidentiary hearing, as well as my recent discussion with Professor Poros, it is my understanding that the existing East Side High School, Cleveland High School, and Margaret Green Junior High School buildings have adequate capacity to accommodate the modified grade-level configurations contained in the United States’ Proposed Plan by the beginning of the 2016-2017 school year. It is also my professional judgment that the District has sufficient time and capacity to prepare facilities to implement the United States’ Proposed Plan by the beginning of the 2016-2017 school year.
17. In his expert report, Professor Poros concluded that the school reconfigurations contemplated by the United States’ Proposed Plan would require few adjustments to the District’s existing buildings. Professor Poros also indicates in his report that, depending on academic interest and course offerings, the District may need to make adjustments to ensure there are a sufficient number of science labs at the consolidated high school campus. However, Professor Poros advised me during my recent conversation with him that, if needed, the District has sufficient time to convert existing classrooms at the

Cleveland High School and Margaret Green Junior High School campuses to science labs before the 2016-2017 school year, assuming the District begins planning those renovations this winter. Any other facilities improvements deemed necessary by the District could continue and/or occur during the 2016-2017 school year without delaying the proposed consolidation of the schools.

18. Based on my review of the District's 2015-2016 student enrollment data, I identified no concerns with regard to implementation of the United States' Proposed Plan. Using the current enrollment figures for 8th-11th grade, the projected 2016-2017 District-wide high school (9th-12th grade) enrollment is 1033 students, which is less than the estimate of 1098 students in the United States' Proposed Plan (*see* Table 5) for a consolidated high school. Similarly, based on current 5th-7th grade enrollment, excluding the 5th grade students attending Bell Academy and Hayes Cooper who will remain at those schools as sixth graders next year, the projected 2016-2017 District-wide middle school (6th-8th grade) enrollment is 664 students. A student population of 664 is not only less than the 691 students estimated in the United States Proposed Plan for a consolidated middle school, it is also less than the East Side High School building capacity estimates of both Professor Poros (769 students at 75 percent utilization) and Mr. Joseph Henderson (675 students without modification of existing classroom spaces). Based on these projections from current enrollment data, the feasibility of housing a consolidated high school at the Cleveland High/Margaret Green campus and a consolidated middle school at the East Side High School facility remains unchanged.
19. In conclusion, it is my informed opinion that the United States' Proposed Plan, as presented to the Court in January 2015, is sufficiently flexible to allow for successful

consolidation by the beginning of the 2016-2017 school year. In my professional judgment, the United States' Proposed Plan can and should be implemented beginning in November 2015 with the "planning year" specified therein, which can be condensed successfully into a nine-month period without delaying consolidation or limiting the effectiveness of the implementation measures. A nine-month period will allow time for careful consolidation planning that can, among other things, maintain stable enrollments across schools through various implementation measures and achieve desegregation as soon as possible.

Executed this 30th day of October 2015.

Claire Smrekar

DR. CLAIRE SMREKAR

EXHIBIT 1

Suggested Implementation Timeline for United States' Proposed Plan

Suggested Implementation Timeline for United States' Proposed Plan

This table summarizes how the key actions in the United States' Plan may be implemented by the beginning of the 2016-2017 school year by the Cleveland School District ("CSD").

Fall 2015 (11/1-12/31/15)
<ul style="list-style-type: none"> • Develop a detailed implementation plan for the United States' review and Court's approval. • Form a multiracial advisory panel to assist CSD with developing implementation strategies and public engagement efforts supporting the Plan, which will meet regularly. • Identify opportunities for collaboration with key community members (e.g., local universities, employers, arts organizations, civic groups) on Plan implementation and academic programming. • Engage in academic and curricular planning to determine which programs will continue in the new schools and whether new academic or extracurricular programs or opportunities will be introduced. • Assess facilities needs for the consolidated schools and develop a plan to design, budget, and complete any necessary or desired renovations or repairs. • Develop a plan to ensure a smooth transition for athletic teams and extracurricular activities.
Winter 2016 (1/1/16-3/15/16)
<ul style="list-style-type: none"> • Continue implementation of measures begun in Fall 2015. • In conjunction with the multiracial advisory panel, develop and begin implementing marketing and public engagement plans, and launching a school rebranding campaign. • Review staffing needs, engage in targeted faculty recruitment efforts, and determine whether reassignments or reductions in force will be needed. • Begin any necessary renovations and repairs on existing facilities.
Spring 2016 (3/16/16-5/31/16)
<ul style="list-style-type: none"> • Continue implementation of measures begun in Fall 2015 and Winter 2016. • With the multiracial advisory panel, design and implement a roll-out plan to introduce and promote the new schools, including engaging students in renaming the schools and selecting new mascots, and planning activities and efforts to commemorate the traditions of the former schools. • Formally notify middle and high school students of their 2016-2017 school assignments. • Take appropriate personnel actions to staff the new schools (e.g., new hiring, using retention measures, notifying current employees of any necessary reassignments or reductions in force). • Implement and promote new academic programs and opportunities, and take appropriate steps to ensure transition of existing programs (e.g., IB Programme) to the consolidated schools.
Summer 2016 (6/1/16-8/7/16)
<ul style="list-style-type: none"> • Continue implementation of measures begun in Fall 2015, Winter 2016, and Spring 2016. • Complete necessary facility renovations, repairs, and other improvements. • With the multiracial advisory panel, engage in publicized roll-out activities (e.g., events, school tours, media campaign) and provide information to all parents and students on the new schools.
2016-2017 School Year
<ul style="list-style-type: none"> • Continue implementation of measures begun between Fall 2015 and Summer 2016. • Open the new consolidated middle school and new consolidated high school in August 2016. • With multiracial advisory panel, address implementation issues arising during school year. • Promote safe, nondiscriminatory schools for all students through diversity trainings, effective discipline practices, and effective discrimination/harassment reporting and investigation procedures.

EXHIBIT 2

2015-2016 Student Enrollment Data Provided by the
Cleveland School District to the United States on October
28, 2015

From: [Wardenski, Joseph \(CRT\)](#)
To: [Wohlenhaus, Renee \(CRT\)](#); [Gardner, Kelly \(CRT\)](#); [Ahmad, Aziz \(CRT\)](#); [Breen-Portnoy, Ceala \(CRT\)](#)
Subject: FW: enrollment reports as of today
Date: Wednesday, October 28, 2015 3:39:13 PM
Attachments: [Student Enrollment Breakdown - 10-28-2015.pdf](#)

From: Jamie Jacks
Sent: Wednesday, October 28, 2015 3:24:13 PM
To: Wardenski, Joseph (CRT)
Cc: Holmes Adams (Holmes.Adams@arlaw.com); john.hooks@arlaw.com; Gerald Jacks
Subject: FW: enrollment reports as of today

Dear Joe,

Per your request, attached please find the CSD's current enrollment figures.

Sincerely,

Jamie Ferguson Jacks

jacks | luciano, p.a.

P. O. Box 1209

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From: Lisa Bramuchi [mailto:lbramuchi@cleveland.k12.ms.us]
Sent: Wednesday, October 28, 2015 10:59 AM
To: Jamie Jacks
Cc: Jackie Thigpen; Melissa Lott; Beverly Hardy
Subject: enrollment reports as of today

Student Enrollment Breakdown

Case: 2:65-cv-00031-DMB-JMV Doc #: 211 Filed: 10/30/15 12 of 23 PageID #: 4353

My Schools 10/28/2015 10:58 AM

Criteria

District: Cleveland School District
School: My Schools
Date: 10/28/2015

ADA Grade	White		Black		Asian		American Indian		Pacific Islander		Hispanic		Male	Female	Total
	M	F	M	F	M	F	M	F	M	F	M	F			
Pre-Kindergarten	21	13	15	18	2	5	0	0	1	0	2	1	41	37	78
Kindergarten	45	46	121	86	3	2	0	0	0	0	6	2	175	136	311
Pre-Kindergarten Special Education	2	0	2	3	0	0	0	0	0	0	0	0	4	3	7
Elementary Self-Contained Special Education	2	2	28	9	0	0	0	0	0	0	1	0	31	11	42
1st	45	34	99	104	3	2	0	1	0	0	3	4	150	145	295
2nd	46	39	98	112	4	0	0	0	0	0	6	8	154	159	313
3rd	46	41	109	106	1	1	0	0	1	0	2	6	159	154	313
4th	35	42	82	95	3	3	0	0	0	0	3	5	123	145	268
5th	31	41	78	98	2	3	0	1	0	0	1	1	112	144	256
6th	37	38	98	81	1	0	0	0	0	0	3	3	139	122	261
7th	26	35	85	81	1	0	0	0	0	0	1	5	113	121	234
8th	34	47	91	89	1	0	0	0	0	0	6	4	132	140	272
9th	51	45	79	94	0	5	0	0	0	0	10	6	140	150	290
10th	38	28	86	93	1	0	1	0	0	0	2	3	128	124	252
11th	22	46	62	83	1	0	0	0	0	0	2	3	87	132	219
12th	34	30	57	71	3	2	0	0	0	0	4	3	98	106	204
Secondary Self-Contained Special Education	5	6	25	11	0	0	0	0	0	0	1	0	31	17	48
Secondary GED	0	0	2	0	0	0	0	0	0	0	0	0	2	0	2
	520	533	1217	1234	26	23	1	2	2	0	53	54	1819	1846	
	1053		2451		49		3		2		107		3665		

Student Enrollment Breakdown

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My Schools 10/28/2015 10:58 AM

Criteria

District: Cleveland School District
School: Bell Academy
Date: 10/28/2015

ADA Grade	White		Black		Asian		American Indian		Pacific Islander		Hispanic		Male	Female	Total
	M	F	M	F	M	F	M	F	M	F	M	F			
Pre-Kindergarten	11	6	10	11	0	2	0	0	1	0	0	0	22	19	41
Kindergarten	9	10	12	10	3	2	0	0	0	0	1	0	25	22	47
Pre-Kindergarten Special Education	2	0	2	3	0	0	0	0	0	0	0	0	4	3	7
1st	16	7	8	10	0	1	0	0	0	0	1	2	25	20	45
2nd	9	7	10	11	2	0	0	0	0	0	3	0	24	18	42
3rd	10	13	7	15	0	0	0	0	1	0	0	1	18	29	47
4th	12	11	10	11	0	1	0	0	0	0	0	0	22	23	45
5th	7	7	14	17	0	0	0	0	0	0	0	0	21	24	45
6th	8	10	11	9	0	0	0	0	0	0	0	0	19	19	38
	84	71	84	97	5	6	0	0	2	0	5	3	180	177	
	155		181		11		0		2		8		357		

Student Enrollment Breakdown**Criteria**

District: Cleveland School District
School: Cleveland High School
Date: 10/28/2015

ADA Grade	White		Black		Asian		American Indian		Pacific Islander		Hispanic		Male	Female	Total
	M	F	M	F	M	F	M	F	M	F	M	F			
9th	51	45	33	34	0	5	0	0	0	0	10	5	94	89	183
10th	38	28	39	43	1	0	1	0	0	0	2	3	81	74	155
11th	22	46	30	32	1	0	0	0	0	0	2	3	55	81	136
12th	34	30	24	28	3	2	0	0	0	0	4	3	65	63	128
Secondary Self-Contained Special Education	0	2	14	5	0	0	0	0	0	0	0	0	14	7	21
	145	151	140	142	5	7	1	0	0	0	18	14	309	314	
	296		282		12		1		0		32		623		

Student Enrollment Breakdown**Criteria**

District: Cleveland School District
School: Cypress Park Elementary School
Date: 10/28/2015

ADA Grade	White		Black		Asian		American Indian		Pacific Islander		Hispanic		Male	Female	Total
	M	F	M	F	M	F	M	F	M	F	M	F			
3rd	1	0	65	39	0	0	0	0	0	0	0	0	66	39	105
4th	0	0	40	40	0	0	0	0	0	0	0	0	40	40	80
5th	0	1	36	39	0	0	0	0	0	0	0	0	36	40	76
	1	1	141	118	0	0	0	0	0	0	0	0	142	119	
	2		259		0		0		0		0		261		

Student Enrollment Breakdown**Criteria**

District: Cleveland School District
School: East Side High School
Date: 10/28/2015

ADA Grade	White		Black		Asian		American Indian		Pacific Islander		Hispanic		Male	Female	Total
	M	F	M	F	M	F	M	F	M	F	M	F			
9th	0	0	46	60	0	0	0	0	0	0	0	1	46	61	107
10th	0	0	47	50	0	0	0	0	0	0	0	0	47	50	97
11th	0	0	32	51	0	0	0	0	0	0	0	0	32	51	83
12th	0	0	33	43	0	0	0	0	0	0	0	0	33	43	76
Secondary GED	0	0	2	0	0	0	0	0	0	0	0	0	2	0	2
	0	0	160	204	0	0	0	0	0	0	0	1	160	205	
	0		364		0		0		0		1		365		

Criteria
District: Cleveland School District
School: D. M. Smith Middle School
Date: 10/28/2015

ADA Grade	White		Black		Asian		American Indian		Pacific Islander		Hispanic		Male	Female	Total
	M	F	M	F	M	F	M	F	M	F	M	F			
6th	0	0	43	44	0	0	0	0	0	0	0	0	43	44	87
7th	1	0	47	39	0	0	0	0	0	0	0	0	48	39	87
8th	0	0	42	44	0	0	0	0	0	0	1	0	43	44	87
	1	0	132	127	0	0	0	0	0	0	1	0	134	127	
	1		259		0		0		0		1		261		

Criteria

District: Cleveland School District
 School: Margaret Green Jr. High School
 Date: 10/28/2015

	White		Black		Asian		American Indian		Pacific Islander		Hispanic				
ADA Grade	M	F	M	F	M	F	M	F	M	F	M	F	Male	Female	Total
6th	23	16	35	19	1	0	0	0	0	0	2	2	61	37	98
7th	25	35	38	42	1	0	0	0	0	0	1	5	65	82	147
8th	34	47	49	45	1	0	0	0	0	0	5	4	89	96	185
Secondary Self-Contained Special Education	5	4	11	6	0	0	0	0	0	0	1	0	17	10	27
	87	102	133	112	3	0	0	0	0	0	9	11	232	225	
	189		245		3		0		0		20		457		

Student Enrollment Breakdown

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My Schools 10/28/2015 10:58 AM

Criteria

District: Cleveland School District
School: Hayes-Cooper Center
Date: 10/28/2015

ADA Grade	White		Black		Asian		American Indian		Pacific Islander		Hispanic		Male	Female	Total
	M	F	M	F	M	F	M	F	M	F	M	F			
Pre-Kindergarten	10	7	5	7	2	3	0	0	0	0	2	1	19	18	37
Kindergarten	13	11	10	8	0	0	0	0	0	0	2	1	25	20	45
1st	10	9	8	12	1	1	0	0	0	0	1	1	20	23	43
2nd	12	9	10	11	1	0	0	0	0	0	0	1	23	21	44
3rd	10	13	6	10	0	1	0	0	0	0	0	2	16	26	42
4th	7	13	7	11	1	2	0	0	0	0	1	3	16	29	45
5th	8	16	7	9	0	2	0	0	0	0	0	0	15	27	42
6th	6	12	9	9	0	0	0	0	0	0	1	1	16	22	38
	76	90	62	77	5	9	0	0	0	0	7	10	150	186	
	166		139		14		0		0		17		336		

Criteria

District: Cleveland School District
 School: Nailor Elementary School
 Date: 10/28/2015

ADA Grade	White		Black		Asian		American Indian		Pacific Islander		Hispanic		Male	Female	Total
	M	F	M	F	M	F	M	F	M	F	M	F			
Kindergarten	0	0	74	51	0	0	0	0	0	0	0	0	74	51	125
Elementary Self-Contained Special Education	0	0	11	2	0	0	0	0	0	0	0	0	11	2	13
1st	0	1	62	59	0	0	0	0	0	0	0	0	62	60	122
2nd	0	0	52	61	0	0	0	0	0	0	0	0	52	61	113
	0	1	199	173	0	0	0	0	0	0	0	0	199	174	
	1		372		0		0		0		0		373		

Student Enrollment Breakdown

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My Schools 10/28/2015 10:58 AM

Criteria

District: Cleveland School District
School: Parks Elementary School
Date: 10/28/2015

ADA Grade	White		Black		Asian		American Indian		Pacific Islander		Hispanic		Male	Female	Total
	M	F	M	F	M	F	M	F	M	F	M	F			
Kindergarten	15	11	12	11	0	0	0	0	0	0	1	1	28	23	51
Elementary Self-Contained Special Education	2	2	17	7	0	0	0	0	0	0	1	0	20	9	29
1st	17	8	10	6	1	0	0	1	0	0	1	0	29	15	44
2nd	19	17	11	12	0	0	0	0	0	0	0	1	30	30	60
3rd	20	13	16	22	1	0	0	0	0	0	1	1	38	36	74
4th	12	13	14	21	1	0	0	0	0	0	1	2	28	36	64
5th	13	14	4	13	0	1	0	1	0	0	0	0	17	29	46
	98	78	84	92	3	1	0	2	0	0	5	5	190	178	
	176		176		4		2		0		10		368		

Student Enrollment Breakdown**Criteria**

District: Cleveland School District
School: Pearman Elementary School
Date: 10/28/2015

ADA Grade	White		Black		Asian		American Indian		Pacific Islander		Hispanic		Male	Female	Total
	M	F	M	F	M	F	M	F	M	F	M	F			
Kindergarten	8	14	13	6	0	0	0	0	0	0	2	0	23	20	43
1st	2	9	11	17	1	0	0	0	0	0	0	1	14	27	41
2nd	6	6	15	17	1	0	0	0	0	0	3	6	25	29	54
3rd	5	2	15	20	0	0	0	0	0	0	1	2	21	24	45
4th	4	5	11	12	1	0	0	0	0	0	1	0	17	17	34
5th	3	3	17	20	2	0	0	0	0	0	1	1	23	24	47
	28	39	82	92	5	0	0	0	0	0	8	10	123	141	
	67		174		5		0		0		18		264		

CERTIFICATE OF SERVICE

I hereby certify that on October 30, 2015, I electronically filed a copy of the foregoing Declaration of Dr. Claire Smrekar with the Clerk of the Court using the Court's CM/ECF system. Notice of this filing was sent by operation of the CM/ECF system to all counsel of record.

/s/ Aziz Ahmad
AZIZ AHMAD (DC # 1004817))
Educational Opportunities Section
Civil Rights Division
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950 Pennsylvania Avenue, NW, PHB 4300
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Attorney for Plaintiff-Intervenor